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8 Attorneys for Complainant

9 BEFORE THE
 10 BOARD OF MEDICAL QUALITY ASSURANCE
 11 DIVISION OF MEDICAL QUALITY
 12 STATE OF CALIFORNIA

13 In the Matter of the Accusation)
 14 Against:) No. D-3199
 15)
 16 WINTHROP H. HALL, JR., M.D.) DECISION AND ORDER
 17 1000 South Eliseo Drive)
 18 Greenbrae, CA 94909)
 19 Physician's and Surgeon's)
 20 Certificate No. C-025895,)
 21 Respondent.)

22 The attached Stipulation and Waiver is accepted and shall
 23 become the decision of the Board of Medical Quality Assurance,
 24 State of California, effective February 27, 1985.

25 IT IS SO ORDERED this 28th day of January,
 26 1985.

27 
 MILLER MEDEARIS, Secretary-Treasurer
 DIVISION OF MEDICAL QUALITY
 BOARD OF MEDICAL QUALITY ASSURANCE
 STATE OF CALIFORNIA

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9 DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA
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11 In the Matter of the Accusation)
Against:) No. D-3199
12)
WINTHROP H. HALL, JR., M.D.) STIPULATION AND WAIVER
13 1000 South Eliseo Drive)
Greenbrae, CA 94909)
14 Physician's and Surgeon's)
Certificate No. C-025895,)
15 Respondent.)
16 _____)

17 IT IS HEREBY STIPULATED by and between Winthrop H. Hall,
18 Jr., M.D., the respondent in this matter, and Kenneth J. Wagstaff,
19 as the Executive Director of the Board of Medical Quality
20 Assurance, Department of Consumer Affairs, by and through its
21 attorney, Alfredo Terrazas, Deputy Attorney General, that the
22 following matters are true:

23 1. An accusation is presently pending against Winthrop
24 H. Hall, Jr., M.D. (hereinafter referred to as the "respondent"),
25 physician's and surgeon's certificate number C-025895, before the
26 Board of Medical Quality Assurance of the State of California and
27 said accusation having been filed on or about June 12, 1984.

1 2. The complainant in said accusation, Kenneth J.
2 Wagstaff, is the Executive Director of the Board of Medical
3 Quality Assurance and brought said accusation in his official
4 capacity.

5 3. That respondent has retained Ivan Weinberg, Esq.,
6 as his counsel in this matter.

7 4. Respondent and his counsel have fully discussed
8 with Alfredo Terrazas, Deputy Attorney General, the charges
9 contained in the above-mentioned accusation, and in that
10 connection, respondent has been fully advised regarding his
11 rights in this matter.

12 5. That respondent hereby freely and voluntarily waives
13 his right to a hearing on the charges and allegations contained
14 in the above-mentioned accusation in order to enter into this
15 Stipulation and Waiver, and, that he further agrees to waive his
16 right to reconsideration, judicial review and any and all rights
17 which may be accorded him by the Administrative Procedure Act
18 and the laws of the State of California.

19 6. All admissions of fact and conclusions of law
20 contained in this stipulation are made exclusively for this
21 proceeding and any future proceedings between the Board of
22 Medical Quality Assurance and the respondent and shall not be
23 deemed to be admissions for any purpose in any other administra-
24 tive, civil or criminal action, forum, or proceeding.

25 7. That the respondent's license history and status
26 as set forth at paragraph 2 of the Accusation are true and

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1 correct and that the respondent's address of record is as set
2 forth in the caption of this Stipulation and Waiver.

3 8. That respondent admits that there is a factual
4 basis for the imposition of discipline based on certain of
5 the allegations charged in the accusation and specifically admits
6 that he did secure a loan from a seriously ill patient, (D.S.),
7 in September 1980, of \$5,000 at six percent (6%) interest. In
8 addition, he failed to supervise his office staff in a manner
9 to prevent the billing of charges for office visits for which it
10 had previously been agreed that no billing would be made, and,
11 he further failed to supervise his office staff in such a way as
12 to prevent an erroneous creditor's claim from being made under
13 penalty of perjury against the estate of the patient which
14 constitutes general unprofessional conduct and cause for
15 disciplinary action pursuant to Business and Professions Code
16 section 2234.

17 9. That it is understood by all parties hereto that
18 by virtue of the foregoing recitals, IT IS HEREBY STIPULATED AND
19 AGREED that the Board of Medical Quality Assurance, upon its
20 approval of the Stipulation and Waiver herein set forth, may,
21 without further notice, prepare a decision and enter the
22 following order, whereby the Physician's and Surgeon's Certificate
23 No. C-025895, heretofore issued to respondent by the Board of
24 Medical Quality Assurance, is hereby revoked, provided, however,
25 that execution of this order of revocation is stayed, and,
26 respondent is placed on probation for a period of five (5) years
27 upon the following terms and conditions:

1 A. Respondent shall obey all laws of the United
2 States, State of California and its political subdivisions, and
3 all rules and regulations and laws pertaining to the practice of
4 medicine in this State.

5 B. Respondent shall fully and completely comply with
6 the Probation Program established by the Board, and cooperate
7 with representatives of the Board.

8 C. Respondent shall appear in person for interviews
9 with the Division's medical consultant upon request at various
10 intervals and with reasonable notice.

11 D. In the event respondent should leave California to
12 reside or practice outside of the State, respondent must notify
13 the Board in writing of the dates of departure and return. Periods
14 of residency or practice outside the State of California will not
15 apply to the reduction of this probationary term.

16 E. Respondent shall submit quarterly declarations
17 under penalty of perjury on forms provided by the Division,
18 stating whether there has been compliance with all the conditions
19 of probation.

20 F. Within sixty (60) days of the effective date of this
21 decision, respondent shall submit to the Division, for its prior
22 approval, a community service program in which respondent shall
23 provide free medical services on a regular basis to a community
24 or charitable facility or agency for at least sixteen (16) hours
25 a month for the first twenty four (24) months of probation.

26 G. Pursuant to sections 2227 and 17203 of the Business
27 and Professions Code, respondent shall forthwith pay restitution,

1 including interest in the amount of \$4,749.31, to A [REDACTED]
2 S [REDACTED], the wife of the deceased patient D.S., via cashier's
3 check made payable through the Marin County District Attorney's
4 Office.

5 H. Pursuant to Business and Professions Code section
6 17206, and, within sixty (60) days of the effective date of this
7 decision, respondent shall pay to the Board of Medical Quality
8 Assurance \$1,500 as costs of investigation and prosecution of
9 this case.

10 10. Upon full compliance with all the terms and
11 conditions hereof, and, the expiration of five (5) years from the
12 effective date of this decision, this stay shall become permanent
13 and respondent's certificate will be fully restored; provided
14 however, that upon respondent's violation or failure to comply
15 with any of terms and conditions of this stay during the 5-year
16 probation period, the Board, after notice and opportunity to be
17 heard, may in the exercise of its discretion vacate this stay
18 and reimpose the revocation, or, take such other action as it
19 deems reasonable. If an accusation or petition to revoke
20 probation is filed against respondent during probation, the
21 Division shall have continuing jurisdiction until the matter is
22 final, and, the period of probation shall be extended until
23 the matter is final.

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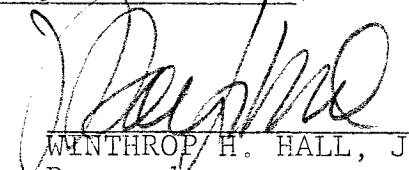
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11. IT IS FURTHER STIPULATED AND AGREED that the terms set forth herein shall be null and void, and in no way binding upon the parties hereto, unless and until accepted by the Board of Medical Quality Assurance of the State of California.

Dated: Nov 27, 1984 JOHN K. VAN DE KAMP
Attorney General


ALFREDO TERRAZAS
Deputy Attorney General
Attorneys for Complainant

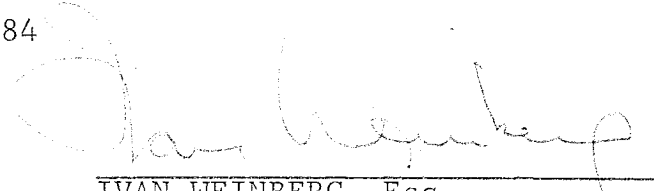
I hereby certify that I have read this Stipulation and Agreement in its entirety, that I fully understand all of same, and in witness thereof, I affix my signature this 27 day of Nov., 1984 at San Francisco, California.



WINTHROP H. HALL, JR., M.D.
Respondent

Approved as to content and form:

Dated: November 27, 1984



IVAN WEINBERG, Esq.
Attorney for Respondent

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALFREDO TERRAZAS
Deputy Attorney General
3 6000 State Building
San Francisco, CA 94102
4 Telephone: (415) 557-2515

5 Attorneys for Complainant

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8 BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
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11 In the Matter of the Accusation)
Against:)
12)
WINTHROP H. HALL, JR., M.D.) NO. D-3199
13 1000 S. Eliseo Drive)
Greenbrae, CA 94909) ACCUSATION
14 Physician's and Surgeon's)
Certificate No. C-025895,)
15)
Respondent.)
16)

17 Complainant alleges that:

18 1. He is KENNETH J. WAGSTAFF, the Executive Director
19 of the Board of Medical Quality Assurance of the State of
20 California (hereinafter referred to as the "Board"), and makes
21 and files this accusation in his official capacity and not
22 otherwise.

23 2. On or about March 31, 1964, respondent WINTHROP H.
24 HALL, JR., (hereinafter referred to as the "respondent") was
25 issued a physician's and surgeon's certificate by the Board,
26 more particularly identified as Certificate No. C-025895. Said
27 certificate has been in full force and effect at all times

1 material hereto.

2 3. Section 2234 of the Business and Professions
3 Code ^{1/} states, in pertinent part, that:

4 "The Division of Medical Quality shall take action
5 against any licensee who is charged with unprofessional
6 conduct. In addition to other provisions of this
7 article, unprofessional conduct includes, but is not
8 limited to, the following:

9 (a) Violating or attempting to violate
10 directly or indirectly, or assisting in or
11 abetting the violation of, or conspiring to
12 violate, any provisions of this chapter;

13 (e) The commission of any act involving
14 dishonesty or corruption which is substantially
15 related to the qualifications, functions or
16 duties of a physician and surgeon; and,

17 (f) Any action or conduct which would
18 have warranted the denial of a certificate."

19 4. Section 2261 states that knowingly making or
20 signing any certificate or other document directly or indirectly
21 related to the practice of medicine or podiatry which falsely
22 represents the existence or nonexistence of a state of facts,
23 constitutes unprofessional conduct.

24 5. Section 2262 states, in pertinent part, that
25 altering or modifying the medical record of any person, with

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27 1. All statutory references are to the Business and Pro-
fessions Code unless otherwise indicated.

1 fraudulent intent, constitutes unprofessional conduct. In
2 addition, to any other disciplinary action, the Division of
3 Medical Quality may impose a civil penalty of five hundred
4 dollars (\$500.00) for a violation of this section.

5 FIRST CAUSE FOR DISCIPLINARY ACTION

6 6. Beginning at an exact date unknown to complainant
7 but commencing not more than four years prior to the filing of
8 this accusation and continuing to the present, respondent has
9 engaged in illegal, unfair and unprofessional business practices
10 in the course of doing business as a physician and surgeon.

11 7. Respondent's unlawful, unfair and unprofessional
12 business practices as described in paragraph 6 include, but are
13 not limited to, the following:

14 (a) Borrowing money from a terminally ill patient
15 (D.S.) ^{2/} under his professional care in violation of
16 section 2234, subdivisions (a), (e) and (f) of the
17 Business and Professions Code;

18 (b) Failing to pay back borrowed money to
19 elderly patient (D.S.) under his professional care or
20 to the patient's estate or heirs, in violation of
21 section 2234, subdivisions (a), (e) and (f) of the
22 Business and Professions Code;

23 (c) Falsely charging for professional services to
24 deceased patient (D.S.) after the death of the patient,
25 in violation of sections 2234, subdivisions (a), (e)

26 2. Initials are used to describe the patient in this accu-
27 sation. Full names will be disclosed pursuant to a request for
discovery.

1 and (f), 2261 and 2262 of the Business and Professions
2 Code and section 484 of the California Penal Code; and,

3 (d) Filing false affidavits claiming professional
4 services rendered to deceased patient (D.S.) after the
5 death of the patient, in violation of sections 2234 (a),
6 (e) and (f) and 2261 of the Business and Professions
7 Code and section 118 of the California Penal Code.

8 SECOND CAUSE FOR DISCIPLINARY ACTION

9 8. The factual allegations contained in the first
10 cause for disciplinary action are hereby incorporated by reference.

11 9. Respondent's acts and practices as described in
12 paragraphs 6 and 7 of the accusation violate California statutory
13 law and public policy, and thereby constitute acts and practices
14 of general and specific unprofessional conduct and unfair
15 competition which causes injury to consumers and respondent's
16 competitors in violation of sections 2234 and 17200, et seq., of
17 the California Business and Professions Code.

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1 WHEREFORE, it is prayed that a hearing be held to:

2 (a) Suspend or revoke respondent WINTHROP H.
3 HALL, JR. 's physician's and surgeon's certificate
4 number C-025895;

5 (b) Imposing a civil penalty of five hundred
6 dollars (\$500.00) for every violation of section
7 2262 established by the evidence presented in this
8 accusation; and,

9 (c) Taking such other action as may be deemed
10 just and proper.

11 DATED: June 12, 1984.

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14 KENNETH J. WAGSTAFF
15 Executive Director
16 Board of Medical Quality Assurance
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Complainant.